THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.12239 of 2006

DATED: 20.06.2006

Between:

Shaik Mahaboob. .. PETITIONER

Versus

The Municipal Corporation of Kadapa,

represented by its Commissioner,

Kadapa, Kadapa District and two others .. RESPONDENTS

WRIT PETITION NO.12239 of 2006

ORDER:

Heard the counsel.

The Writ Petition is filed praying for a Writ of Mandamus declaring the action of the respondents in seeking to demolish the residential house situated in D.No.3/66, Nayak Ssabh Sstreet, Kadapa City, belongs to the petitioner, as arbitrary, illegal, high-handed, contrary to the procedure envisaged under the provisions of Sections 146 and 147 of Hyderabad Municipal Corporation Act, 1955 and contrary to the guidelines framed in the case of Pilli Lakshamana Rao vs. Executive Officer, Gram Panchayat, reported in 2000(5) ALT 246,

and also violative of principles of natural justice apart from being violative of the fundamental and constitutional rights guaranteed to the petitioner under Articles 14, 19, 21 and 300-A of the Constitution of India and consequently direct the respondents not to demolish the residential house situated in D.No.3/66, Nayak Sabh Street, Kadapa City, belongs to the petitioner without following due process of law and pass such other suitable orders.

Several factual details had been narrated in the affidavit filed in support of the Writ Petition. It is needless to say that when the respondents are inclined to take up the demolition activity, they are bound to follow the due process of law. The main grievance of the petitioner is that without following the due procedure or due process of law, the respondents are resorting to demolition activity. Hence the Writ Petition is disposed of with the following direction:

“Respondents not to carry on with the demolition activity in relation to the subject matter of the Writ Petition except by following the due process of law”.

There shall be no order as to costs.

20.06.2006

SSR